

Order

Michigan Supreme Court
Lansing, Michigan

October 23, 2009

Marilyn Kelly,
Chief Justice

138247

Michael F. Cavanagh
Elizabeth A. Weaver
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman
Diane M. Hathaway,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 138247
COA: 289283
Wayne CC: 06-013035

MARIO JAMAL CLARK,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the January 15, 2009 order of the Court of Appeals is considered and, pursuant to MCR 7.302(H)(1), in lieu of granting leave to appeal, we REMAND this case to the Court of Appeals for consideration, as on leave granted, of the issues raised in the defendant's application to this Court, including the due process issue left open by *People v Breeding*, 284 Mich App 471 (2009), lv den 484 Mich ____ (Docket No. 139435, order entered October 21, 2009).



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

October 23, 2009

Corbin R. Davis

Clerk